

FILED

Sep 04, 2025

3:36 pm

**U.S. EPA REGION 5
HEARING CLERK**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. RCRA-05-2025-0020
)	
Cirba Solutions Services US, LLC)	Proceeding to Commence and Conclude
Wixom, Michigan,)	an Action to Assess a Civil Penalty
)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent.)	42 U.S.C. § 6928(a)
)	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. U.S. EPA provided notice of commencement of this action to the State of Michigan pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is Cirba Solutions Services US, LLC, a corporation doing business in the State of Michigan. Prior to March 1, 2022, Cirba Solutions Services US, LLC operated as Battery

Solutions, LLC ("Battery Solutions").

5. Where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO. Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

Statutory and Regulatory Background

11. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3001 – 3007, and 3013, among others, of

RCRA, 42 U.S.C. §§ 6921 – 6927, and 6934.

12. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions.

13. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Michigan final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective October 30, 1986. 51 Fed. Reg. 36804 (October 16, 1986).

15. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both. The Administrator of U.S. EPA may assess a civil penalty of up to \$124,426 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015, where penalties are assessed on or after January 8, 2025, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

16. Respondent is a "person" as defined by Mich. Admin. Code R. 299.9106(i), 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

17. Respondent is the "owner" or "operator," as those terms are defined under Mich.

Admin. Code R. 299.9106(f), (g) and 40 C.F.R. § 260.10, of a facility located at 4930 Holtz Dr., Wixom, Michigan 48393 (Facility).

18. At all times relevant to this CAFO, Respondent's Facility consisted of land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

19. Respondent's Facility is a "facility" as that term is defined under Mich. Admin. Code R. 299.9103(v) and 40 C.F.R. § 260.10.

20. At all times relevant to this CAFO, Respondent held batteries, a discarded material, for temporary periods in containers before the material was shipped from the Facility for treatment, storage, disposal, burning or incineration elsewhere.

21. At all times relevant to this CAFO, Respondent characterized its batteries as hazardous waste code D003 (characteristic of reactivity).

22. At all times relevant to this CAFO, Respondent stored, transported, disposed of, or otherwise handled primary lithium metal batteries in "containers" as that term is defined under Mich. Admin. Code R. 299.9102(u) and 40 C.F.R. § 260.10.

23. At all times relevant to this CAFO, Respondent's batteries were a "universal waste" as that term is defined under Mich. Admin. Code R. 299.9109(g) and 299.9228 and 40 C.F.R. §§ 273.2 and 273.9.

24. Respondent is a "universal waste handler," as that term is defined in Mich. Admin. Code R. 299.9109(h) and 40 C.F.R. § 273.9.

25. Respondent is an "exporter," as that term is defined in 40 C.F.R. § 262.81, which is adopted by reference in Mich. Admin. Code R. 299.9314(3) and 299.11003(1)(m).

26. From January 2019 through December 2019, Battery Solutions exported fifty-two shipments of universal waste batteries that were subject to the requirements of 40 C.F.R. Part 262 Subpart H, which is adopted by reference in Mich. Admin. Code R. 299.11003(1)(m). At all times relevant to this matter, Battery Solutions contracted with a third-party to handle the movement and disposition of the universal waste batteries. Unknown to Respondent, that third-party filed for bankruptcy and failed to perform under the contract or to notify Respondent of this failure.

27. The “foreign receiving facility” for the fifty-two shipments of universal waste batteries was Fortum Waste Solutions in Kumla, Sweden, as that term is defined in 40 C.F.R. § 262.81, which is adopted by reference in Mich. Admin. Code R. 299.9314(3) and 299.11003(1)(m). None of these shipments reached the foreign receiving facility, and instead ended up at storage facilities in Karlskoga and Norrköping, Sweden.

28. On February 25, 2022, the Naturvårdsverket (the Swedish Environmental Protection Agency) notified the U.S. EPA of the need to return 672 steel drums of batteries on 168 wooden pallets stored at the facility in Norrköping, Sweden, to the United States.

29. On March 9, 2022, U.S. EPA transmitted to Respondent a request from the Swedish Environmental Protection Agency to take-back (i.e., the need to return to the United States) the shipments of batteries.

30. On July 6, 2022, Respondent filed an exception report for the fifty-two shipments of universal waste batteries pursuant to 40 C.F.R. 262.83(h)(1)(ii) and (iii), which is adopted by reference in Mich. Admin. Code R. 299.9314(3) and 299.11003(1)(m).

31. On July 7, 2022, Swedish Environmental Protection Agency consented to

alternative methods of managing the batteries in lieu of take-back, including either management within Sweden or in other third countries.

32. On September 1, 2022, U.S. EPA issued an Information Request, pursuant to RCRA § 3007, 42 U.S.C. § 6927, to the Respondent seeking information regarding the exports of universal waste batteries.

33. On October 3, 2022, Respondent submitted to U.S. EPA a written response to the Information Request.

34. On March 25, 2024, U.S. EPA issued a Notice of Potential Violation to Respondent alleging certain violations of RCRA discovered through review of Respondent's records.

35. On May 23, 2024, Respondent submitted a written response to the Notice of Potential Violation to U.S. EPA.

Count 1: Failure to File Timely Exception Reports

36. Complainant incorporates paragraphs 1 through 35 of this CAFO as though set forth in this paragraph.

37. Pursuant to 40 C.F.R. § 262.83(h)(1)(ii)-(iii), adopted by reference at Mich. Admin. Code R. 299.9314(3) and 299.11003(1)(m), an exporter of hazardous waste must file an exception report within 30 days with the U.S. EPA if: the exporter has not received a written confirmation of receipt from the foreign receiving facility within 90 days from the date the waste was accepted by the initial transporter, or the foreign receiving facility notifies the exporter or the country of import notifies the U.S. EPA of the need to return the waste shipment to the United States.

38. Respondent did not receive a written confirmation of receipt for any of the fifty-

two shipments of universal waste batteries from Fortum Waste Solutions, the foreign receiving facility, which triggered the deadline to file an exception report for each shipment no later 120 days after each shipment was accepted by the initial transporter.

39. On March 9, 2022, U.S. EPA notified Respondent of the need to return the shipments of batteries, which triggered the deadline to file an exception report by April 8, 2022.

40. Respondent filed an exception report for the fifty-two shipments located in Karlskoga and Norrköping on July 6, 2022.

41. Respondent's failure to file timely exception reports for the 52 shipments of universal waste batteries violated 40 C.F.R. § 262.83(h), which is adopted by reference at Mich. Admin. Code R. 299.9314(3) and 299.11003(1)(m).

Count 2: Failure to Return or Re-export Hazardous Wastes

42. Complainant incorporates paragraphs 1 through 35 of this CAFO as though set forth in this paragraph.

43. Pursuant to 40 C.F.R. § 262.83(e), adopted by reference at Mich. Admin. Code R. 299.9314(3) and 299.11003(1)(m), when a transboundary movement of hazardous waste cannot be completed in accordance with the terms of the contract of the consent(s) and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter must ensure that the hazardous waste is returned to the United States or re-exported to a third country. If the waste must be returned, the exporter must provide for the return of the hazardous waste shipment within 90 days from the time the country of import informs EPA of the need to return the waste or such other period of time as the concerned countries agree.

44. On March 9, 2022, U.S. EPA notified Respondent of the need to return the shipments of batteries based on a February 25, 2022 request from Swedish Environmental Protection Agency.

45. On July 7, 2022, Swedish Environmental Protection Agency consented to alternative methods of managing the batteries in lieu of take-back, including either management within Sweden or in other countries.

46. The Respondent made arrangements to have the Norrköping batteries managed at an alternative receiving facility in Europe. The first shipment of batteries to the alternate destination departed Sweden on May 2, 2025, and arrived on May 6, 2025. The second shipment of batteries to the alternate destination departed in early July and arrived on July 7, 2025. As of the effective date of this CAFO, Respondent is still working to manage the batteries remaining in Karlskoga and Norrköping, Sweden.

47. Respondent's failure to return the battery shipments located at the Norrköping facility within 90 days of March 9, 2022, and the failure to return or re-export the remaining battery shipments located at the Karlskoga facility violated 40 C.F.R. § 262.83(e), which is adopted by reference in Mich. Admin. Code R. 299.9314(3) and 299.11003(1)(m).

Civil Penalty

48. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$70,000.00. In determining the penalty amount, Complainant took into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

49. Respondent agrees to pay a civil penalty in the amount of \$70,000.00 (“Assessed Penalty”) within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (“Filing Date”).

50. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

51. When making a payment, Respondent shall:

- a. Identify every payment with Respondent’s name and the docket number of this Agreement, RCRA-05-2025-0020,
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

William Damico
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
damico.william@epa.gov and
R5LECAB@epa.gov

Naeha Dixit
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
dixit.naeha@epa.gov

U.S. Environmental Protection
Agency Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

52. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to

cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

53. Late Penalty Actions. In addition to the amounts described in the prior paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to

the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

54. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

55. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

56. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with

providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-

1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to Milton Wise at EPA's Cincinnati Finance Center at wise.milton@epa.gov, within 30 days after the effective date of this CAFO, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

General Provisions

57. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: dixit.naeha@epa.gov (for Complainant), and christine.jochim@klgates.com (for Respondent). Respondent understands that the CAFO will become publicly available upon

filing.

58. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), related to and arising from the facts and violations alleged in this CAFO.

59. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

60. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

61. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, U.S. EPA's RCRA Civil Penalty Policy, and U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

62. The terms of this CAFO bind Respondent, its successors, and assigns.

63. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

64. Each party agrees to bear its own costs and attorney's fees in this action.

65. This CAFO constitutes the entire agreement between the parties.

Cirba Solutions Services US, LLC, Respondent

8/28/2025

Date

Jake B. Wilson

Jake Wilson

Chief Legal Officer

Cirba Solutions Services US, LLC

United States Environmental Protection Agency, Complainant

Carolyn Persoon

Acting Division Director

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency, Region 5

**In the Matter of:
Cirba Solutions Services US, LLC
Docket No. RCRA-05-2025-0020**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5